

**MINUTES OF THE
GREENSBORO ZONING COMMISSION
NOVEMBER 14, 2005**

REGULAR MEETING

A regular meeting of the Greensboro Zoning Commission was held on Monday, November 14, 2005 at 2:04 p.m., in the City Council Chambers, Second Floor, Melvin Municipal Office Building. Members present were Chair Gary Wolf, Tony Collins, Paul Gilmer, Zack Matheny, Evelyn Miller, Bill Schneider and Susan Spangler. Dick Hails, Planning Director, and Bill Ruska, Zoning Administrator represented the Planning Department. Blair Carr, Esq., represented the City Attorney's Office. Carrie Reeves represented the Greensboro Department of Transportation (GDOT).

Chair Wolf welcomed everyone to the Zoning Commission regular monthly meeting. He explained the procedures of the meeting and how any appeals may be made as to any Commission decision.

APPROVAL OF THE MINUTES OF THE OCTOBER 10, 2005 REGULAR MEETING.

Chair Wolf said the October 10 minutes should be amended to reflect the absence of Mr. Gilmer.

Mr. Collins moved acceptance of the minutes of the October 10, 2005 regular meeting as amended, seconded by Mr. Schneider. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

CHANGE IN AGENDA

Chair Wolf said that Item L had been withdrawn.

PUBLIC HEARINGS:

- A. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES ALLOWED IN THE GB ZONING DISTRICT EXCEPT: RECYCLING COLLECTION POINTS; SATELLITE DISHES/COMMUNICATION TOWERS; BARS; CONVENIENCE STORES WITH FUEL PUMPS; PAWNSHOPS; RECREATIONAL VEHICLE SALES; RESTAURANTS WITH DRIVE-THRU; SERVICE STATIONS, GASOLINE; AND RADIO, TELEVISION OR COMMUNICATION TOWERS. 2) NO DRIVE-THRU WINDOWS. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF HORNADAY ROAD WEST OF NICHOLAS ROAD – FOR GCL PROPERTIES, LLC. (APPROVED)**

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Chuck Truby, 502 White Cross Drive, represented GCL Properties. The owner of the bowling alley wants to put a miniature golf course beside the bowling alley as an accessory use and has requested this rezoning to accomplish it.

There was no one present to speak in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM of the adopted Comp Plan is consistent with this request. There are other Comp Plan policies which this request also supports. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

B. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING AGRICULTURAL AND REZONING FROM CITY ZONING RS-12 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RS-9 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY RESIDENTIAL AND ACCESSORY USES. 2) ONE PUBLIC STREET CONNECTION TO BRIGHTWOOD SCHOOL ROAD. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHEAST SIDE OF BRIGHTWOOD SCHOOL ROAD WEST OF SUMMIT AVENUE AND WEST OF THE TERMINUS OF HICONE ROAD – FOR ROBERTA’S REAL ESTATE HOLDING COMPANY, LLC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Jerone Pearson, 2000 East Wendover Avenue, said he is a realtor and developer. He pointed out some of the developments and other projects going on in this area. He felt the starter homes that they are planning would bring new community to the total area. With slides he pointed out some of the things he would like to do in the area.

Speaking in opposition to this request was Stan Bailey, 2018 Brightwood School Road. He said he was representing 87 neighbors who had signed a petition against a development with this many houses. They objected to four houses per acre and thought three houses per acre would be ample for this community.

Brenda Roberson, 4833 Summit Avenue, also spoke in opposition to this request. She objected to more houses in this area since there was already a shortage of water. She felt there were enough houses in her community.

Speaking in rebuttal, Jerome Pearson said Mr. Bailey had questioned whether Mr. Pearson would build his road on Mr. Bailey's property. There will be only one road off of Brightwood School Road and that will be on property owned by him. Mr. Pearson said he expected the State to take approximately 10 acres of his property. They also need to consider the creek and the road that will be a major thoroughfare and there will be setbacks, all of which will cut down on the buildable land available to him. He said he had passed out brochures in the community, left his card to be contacted, but he had not met with the neighbors. However, he would be glad to meet with the neighbors at any time to discuss his plans.

In rebuttal for the opponents, Mr. Bailey said on the map Mr. Pearson passed out to the neighbors, there were 172 dwellings planned for the property. He objected to this number of houses.

Chair Wolf closed the public hearing.

Mr. Hails said this was another transition area with public water and sewer being extended out to the edge of the City and the larger lots, which have been there for many years on wells and septic and trying to judge compatibility with the new proposed development. However, the GFLUM does show low residential in this area, which means up to five units per acre. As proposed, it would be a gross of four units per acre, but, as noted, if you take out the 10 acres and the Urban Loop, it is close to but fewer

than five. Other Comp Plan policies support this request, such as encouraging diversity, mixed income housing, compact development and orderly development at the fringe. Overall, staff does recommend approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Schneider. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

C. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – RM-8 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES SHALL BE LIMITED TO ALL SINGLE FAMILY DETACHED OR ATTACHED RESIDENTIAL USES PERMITTED UNDER THE RM-8 ZONING DISTRICT. 2) NO BUILDING SHALL EXCEED 2 STORIES IN HEIGHT AS VIEWED FROM THE FRONT. 3) MAXIMUM OF 175 TOWNHOMES DESIGNED FOR SALE. - TO CONDITIONAL DISTRICT – RS-5 RESIDENTIAL SINGLE FAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: SINGLE FAMILY DETACHED RESIDENTIAL AND ACCESSORY USES ONLY. 2) AT LEAST ONE STREET WILL BE STUBBED ALONG THE NORTHERN PROPERTY LINE AT A LOCATION AGREED UPON BY GREENSBORO DEPARTMENT OF TRANSPORTATION. - FOR A PORTION OF THE PROPERTY LOCATED NORTH AND WEST OF MCKNIGHT MILL ROAD NORTH OF THE TERMINUS OF DESMOND DRIVE AND CHICORY LANE –FOR CARROLLAND CORPORATION. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, said he had been assisting Carrolland Corporation in connection formulating this application. He said Mr. Ruska had given the history of this property and the reason for this application. This will give another access from the WinterHall development to McKnight Mill Road, which will create better traffic flow. Carrolland's representative contacted people who reside in the neighborhood and he thought they agreed that the RS-5 and single family detached would be a development that they were in favor of over the RM-8 that was previously placed on the property.

Al Leonard, with Carrolland Corporation, 404 North Eugene Street, said they found this property available after the start of the WinterHall development. They felt it would be a good addition to what they were doing. For illustrative purposes, he said they have about 83 homes planned on this site. A representative met with the adjoining neighbors and she is here if any questions come up in that regard. No traffic study was triggered by this addition.

There was no one present to speak in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, there had been much transition in this area recently. There have been single family and multifamily developments approved recently on nearby sites. The GFLUM shows moderate residential in this area. At about six dwelling units per acre, it is well within a five to 12 target range for that designation. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

Chair Wolf said he had a conflict of interest and must recuse himself. Mr. Collins will handle this item.

Mr. Gilmer moved that Chair Wolf be recused from discussion or voting on this item due to a conflict of interest, seconded by Schneider. The Commission voted 6-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None. Abstain: Wolf.)

D. AN ORDINANCE REZONING FROM CONDITIONAL DISTRICT – LIGHT INDUSTRIAL WITH THE FOLLOWING CONDITION: 1) USES: ALL USES PERMITTED IN THE LI ZONING DISTRICT EXCEPT THE MANUFACTURING OF ANIMAL OR PLANT FATS AND OILS. -TO CONDITIONAL DISTRICT – GENERAL BUSINESS WITH THE FOLLOWING CONDITIONS: 1) USES: ALL USES PERMITTED IN GB. 2) TO BE DEVELOPED IN CONJUNCTION WITH THE CD-GB TRACT (#3361) TO THE NORTH. 3) BUILDING SHALL BE RETAINED AND RENOVATED. 4) A MINIMUM OF 40,000 SQUARE FEET SHALL BE OCCUPIED BY A FOOD STORE, DEPARTMENT STORE, HOME FURNISHING STORE, OR A SPORTING GOODS STORE. 5) THE FIRST FLOOR OF BUILDING SHALL BE USED FOR WAREHOUSING, SERVICE BUSINESSES, OFFICES, AND RETAIL. - FOR A PORTION OF THE PROPERTY LOCATED SOUTH OF WEST MARKET STREET OPPOSITE THE INTERSECTION WITH THORNTON COURT – FOR CHONG K. AND CONNIE KIM. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Vice Chair Collins opened the public hearing.

John Stuart, 1922 Falmoth Drive, handed out briefing packets for the Commission's information.

Chong Kim, 4209 Branbletye Drive, said he would like to explain the further development of the 4725 West Market Street property and give the Commission an overview of the actions to-date. He then explained the contents of the handouts. This property will be a business condominium with international products and shops. They have already contracted for about 50-60 percent of the space. They are now asking the Commission to rezone an additional 75,000 square feet of space. There will have been about \$10 million invested in this project when completed. They anticipate having about 84 businesses and offices and this will create perhaps 400 jobs.

There was no one present to speak in opposition to the request. Vice Chair Collins closed the public hearing.

Mr. Hails said he recalled some of the meetings with Mr. Kim and Mr. Stuart when the last case came through. This is a serious development that will serve as a real model for how to reuse some of the older buildings around Greensboro in a way that both makes sense economically and yet fits in with the needs of the community and our adopted plans as well. The International Mall is well underway. Staff recommended in favor of the earlier rezoning on the other part of this site primarily because Mr. Kim made a legitimate commitment with his conditions to mixed use. He said it would not be all retail, but there would be some other uses. This request continues that trend by trying to put into a modern use some of the industrial zoning on the back part of the property. It meets many policies set forth in the Comp Plan. Staff enthusiastically recommends approval of this request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny. The Commission voted 6-0-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None. Abstain: Wolf.)

Vice Chair Collins turned the meeting back over to Chair Wolf.

E. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – CORPORATE PARK WITH THE FOLLOWING CONDITION: 1) THE PROPERTY WILL BE DEVELOPED AS A PART OF ENTERPRISE PARK. - FOR A PORTION OF THE PROPERTY LOCATED WEST OF THE TERMINUS OF ERIC ROAD – FOR HIGHWOODS PROPERTIES, INC. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Charlie Melvin, Esq., 300 North Greene Street, said he had been assisting Highwoods Properties in formulating this request. A copy of the site plan for Enterprise Park was placed on the screen. Since Enterprise Park was approved by the Technical Review Committee (TRC), Highwoods has been able to acquire the subject property and they wish to incorporate it into their plans for Enterprise Park.

Mark Shumaker, Vice President and Triad Division Executive for Highwoods, said he resides at 150 South Stratford Road, Winston-Salem, NC. Highwoods has plans not only to be in the Greensboro area, but also to continue to grow. The master plan for Enterprise Park is for 1.1 million square feet. They feel the subject property is a natural extension of Enterprise Park.

Tim Brabo, 7928 Eric Road said he was not really in opposition to the zoning request, he just wanted to actually meet some of the people from Highwoods so he could get an idea of their plans for access, easements, etc. He owned the property where the turn-around was. He will be surrounded on three sides by Enterprise Park.

Mr. Hails noted that if the single family use is in place at the time a site plan comes forward for the corporate park type use that a significant landscape buffer will be required between the two uses.

In rebuttal for the applicant, Mr. Melvin said Mr. Shumaker would get in touch with Mr. Brabo and will be happy to share information and keep him apprised as plans go forward.

There was no one else who wished to speak this request. Chair Wolf closed the public hearing.

Mr. Hails said this is a small site within a planned business park surrounded by it, except for some of the properties to the east and north. The GFLUM calls for industrial corporate park in this area and this request certainly meets some of the economic development goals called for in the Comp Plan. Staff recommends approval of the request.

Mr. Schneider moved the ordinance, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

F. AN ORDINANCE ESTABLISHING ORIGINAL ZONING FROM COUNTY ZONING RS-30 RESIDENTIAL SINGLE FAMILY TO CITY ZONING CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES LIMITED TO SINGLE FAMILY HOMES AND TOWNHOMES DESIGNED FOR SALE. 2) TOTAL DENSITY SHALL NOT EXCEED 4.5 DWELLING UNITS PER GROSS ACRE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF ELSIELEE ROAD WEST OF FLEMINGFIELD ROAD – FOR HABITAT FOR HUMANITY OF GREATER GREENSBORO, INC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Gary Paul Kane, with Center to Create Housing Opportunities, 1203 Foxfire Drive, said they think this is an excellent location with nice topography. Many of the first time homebuyers who purchase these homes will benefit greatly from classes at nearby GTCC. There are many employment opportunities in the immediate area. He presented a sketch site plan for illustrative purposes only. They sent notices to the adjacent property owners and held a community meeting on October 17 at a house adjoining this property. About 10 to 12 people from the community came and talked with them about their plans.

Bob Kelly, Executive Director of Habitat for Humanity, 438 West Friendly Avenue, said he was grateful to Mr. Kane and the Center to Create Housing for working with them on this development. Habitat provides workforce housing to people. They use volunteer labor to hold down costs, they sell the houses to the families at no profit, and they take back mortgages at 0 percent interest, thus making the mortgages affordable. The houses are appraised from \$85,000 to \$95,000 and the actual mortgages will be in the low 60s for a three-bedroom house. They intend to do about 35 single family detached houses a year for the next three years. They also intend to do a townhouse project of about 15 units. He showed some photos of nearby homes being built by Sandra Anderson. This will be a mixed income development with a for profit builder working with Habitat for Humanity who will build about half the houses. The sewer outfall comes right through this property.

There was no one else to speak in support of or in opposition to the request. Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM for this location shows mixed-use commercial development. However, there is a Comp Plan Amendment that is following this rezoning to City Council that requests moderate residential designation and staff is supporting that, primarily because of the mixed use commercial closer to Burlington Road and some of the trends in the area. The 4.5 dwelling units per acre is consistent. The net density outside of the stream buffer's open space areas would clearly be within the five to 12 units per acre for the moderate residential and therefore consistent. There are a number of other benefits cited, such as diverse sites. Staff feels this is a good general location for affordable housing. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Schneider. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

G. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) ALL RESIDENTIAL AND ACCESSORY USES IN RM-26 ARE PERMITTED EXCEPT BOARDING AND ROOMING HOUSES, CONGREGATE CARE FACILITIES, FAMILY CARE HOMES, GROUP CARE FACILITIES, MATERNAL CARE HOMES, PRIVATE DORMITORIES, OR TEMPORARY SHELTERS. 2) BIKE RACKS TO ACCOMMODATE NO FEWER THAN 60 BICYCLES SHALL BE PROVIDED ON THE PREMISES. 3) PROPERTY WILL BE LIMITED TO 24 2-BEDROOM AND 12 3-BEDROOM APARTMENTS. 4) ALL BUILDINGS WILL BE LIMITED TO 3 STORIES IN HEIGHT. 5) SIDEWALKS WILL BE CONSTRUCTED BY DEVELOPER ALONG THE FRONTAGE OF THE PROPERTY ALONG WILLOWBROOK DRIVE AND LINDELL ROAD. 6) DOUBLE ROW OF LEYLAND CYPRESS TREES PLANTED 8' ON CENTER ALONG THE SOUTHERN PROPERTY LINE. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF WILLOWBROOK DRIVE AND WEST SIDE

**OF LINDELL ROAD BETWEEN SPRING GARDEN STREET AND OAKLAND AVENUE –
FOR ALLEN WATKINS HEIRS. (APPROVED)**

Mr. Schneider said he would need to be recused from consideration or voting on this matter due to a conflict of interest.

Mr. Collins moved that Mr. Schneider be recused from consideration or voting on this request, seconded by Mr. Gilmer. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Spangler. Nays: None. Abstain: Schneider.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Seth Coker, 4605-G Dundas Street, presented handouts for the Commission's consideration. He said he would like to add some conditions to those stated in the application.

7) Interior pedestrian circulation shall be provided through the use of clearly defined walkways and similar pedestrian oriented facilities. 8) For each building, a primary entrance facades shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the building. 9) Buildings containing 3-bedroom apartments shall not be permitted within 75 feet of the northern property line. 10) No structure will be erected within 25 feet of the northern property line.

Mr. Collins moved to accept the added conditions, seconded by Mr. Matheny.

Mr. Gilmer said when they had additional zoning conditions requested by the Lindley Park Neighborhood Association, this is a little unusual to have this put in here.

Chair Wolf said Mr. Coker was just clarifying the source of that. It is not different than other additional conditions when neighbors have asked for things. He was just telling the Commission the source of the concern that resulted in the additional conditions.

Mr. Collins said his motion was for added conditions 7, 8, 9 and 10.

Chair Wolf called the question. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Spangler. Nays: None. Abstain: Schneider.)

Chair Wolf asked for an explanation of added condition No. 9.

Mr. Coker said they would be building three buildings on the property. Two buildings would contain 2-bedroom apartments and the third would have 3-bedroom apartments. The 3-bedroom apartment building was slightly larger and slightly taller. They wanted to keep them away from the residential side of it for sight line purposes, so they wanted to stay off the northern property line as much as possible.

Mr. Coker then went through the handout and explained its contents. They mailed letters to both owners and renters in that Spring Garden/Oakland corridor, on Willowbrook and Lindell. He attended the Lindley Park Neighborhood Association meeting and learned about the Spring Garden Street improvements coming up this year. He had worked with Lindley Park to come up with the added conditions, which will make the development more desirable to the neighborhood. He continued to explain the handout.

Joe Wood, 4103 Walker Avenue, said he was chairman of the Zoning Committee for Lindley Park Neighborhood Association. He said at first the Association voted against this project. However, Mr. Coker met with the Executive Committee, walked the property with him, and they came up with the conditions that made the development more acceptable. They decided to remain neutral on the rezoning and leave it in the hands of the Zoning Commission. He said Lindley Park would ask the Commission to be sure that what is built along the Spring Garden Corridor will not be exclusive multifamily housing, but will be mixed housing.

Chair Wolf closed the public hearing.

Mr. Hails said the Lindley Park Neighborhood Plan was actually made a part of the Comp Plan so when we look at the GFLUM for this area, we are actually looking at the Neighborhood Plan at their future land use map. UNCG continues to have mandated very little on-campus housing and there continues to be off campus housing pressures in this area on the western side of town. Conversion of former industrial areas in this area into good quality reinvestment compatible with the adjacent neighborhoods is always something they were looking for throughout. While multifamily fits into a mixed-use context here, staff would like to see in the future additional new uses to keep an active mixed-use flavor in this area. Staff recommends approval of this request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Spangler. Nays: None. Abstain: Schneider.)

Chair Wolf called for a 10-minute break.

H. AN ORDINANCE REZONING FROM LIGHT INDUSTRIAL TO CONDITIONAL DISTRICT – GENERAL OFFICE HIGH INTENSITY WITH THE FOLLOWING CONDITIONS: 1) ALL PERMITTED USES UNDER GO-H WITH THE EXCEPTION OF TANNING SALONS, JUNKED MOTOR VEHICLES, BARBER SHOPS, BEAUTY SHOPS, AND FUNERAL HOMES AND CREMATORIALS. 2) MAXIMUM HEIGHT OF NEW BUILDINGS THREE STORIES. - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHEAST QUADRANT OF OAKLAND AVENUE AND WARREN STREET – FOR GILMORE ENTERPRISES, INC. (APPROVED)

Mr. Collins said he would recuse himself from discussion and voting on this request due to a conflict of interest.

Mr. Schneider moved that Mr. Collins be recused from discussion or voting on this request, seconded by Mr. Gilmer. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None. Abstain: Collins.)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Randy Dixon, 1205 West Bessemer Avenue, Suite 218, said he represented the parties for this rezoning request. This particular section of Greensboro is part of what is classified as a "reinvestment corridor." They hope to put apartments on the subject property since it is an ideal location for student apartments. It is within walking distance of the campus and they hope this will eliminate some of the traffic generated on Spring Garden and Aycock Streets. He presented a conceptual play of how they hope to lay it out for illustrative purposes only. He explained their reasons for asking for the GO-H rezoning.

No one else was present to speak in favor of or opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said this is another transitional industrial area with residential trying to move in near railroad tracks and again a real mixed-use test. The GFLUM calls for mixed use - residential in this area. It is also designated as an activity center with a possible future regional rail station location perhaps somewhere in the vicinity of Aycock and Spring Garden and Lee Streets. He noted that there was a lot of existing noise from the existing railroad there. Both of the main lines for Amtrak and freight go through there. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Ms. Spangler. The Commission voted 6-0-1 in favor of the motion. (Ayes: Wolf, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None. Abstain: Collins.)

Mr. Schneider said he would like to make a brief comment to the Planning Department. Today we went from 17 to 21 three-story buildings for student housing on that side of the City. So we increased 25 percent today. He hoped they would think about that when there were more coming down the line.

I. AN ORDINANCE REZONING FROM RS-9 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) THERE SHALL BE A MAXIMUM OF 4 TOWNHOMES OR CONDOMINIUMS DESIGNED FOR SALE. MAXIMUM HEIGHT SHALL BE 2 STORIES. 2) THERE SHALL BE ONE ACCESS OFF THORNTON COURT. 3) EXTERNAL BUILDING CONSTRUCTION SHALL CONSIST OF BRICK AND VINYL. - FOR A PORTION OF THE PROPERTY LOCATED ON THE EAST SIDE OF THORNTON COURT NORTH OF WEST MARKET STREET – FOR B & L CONSTRUCTION. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Brian Welker, 1182 Oak Level Church Road, Stokesdale, said he is the owner of B & L Construction. He was currently building another residence to the northwest side of the property, which has already been sold. After discussion about the subject property with staff, it was decided that townhomes or condominiums would fit nicely on it. These units will create a buffer zone between the RM-18 and the other houses there. They will build one private road off of Thornton Court. The house between the subject tract and the CD-RM-18 property is a rental house.

There was no one else to speak in support of or in opposition to this request. Chair Wolf closed the public hearing.

Mr. Hails said, as noted, this is a limited size single-family area in the midst of several multifamily developments to the east and substantial and numerous business and limited industrial sites to the south, both along and on the south side of West Market. There appears to be some transition going on, but it is difficult to judge that at any point in time. The GFLUM shows mixed use - commercial on this site. They believe this request is compatible with that in the context of several uses nearby. It is also designated a reinvestment corridor. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Collins. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

J. AN ORDINANCE REZONING FROM RM-18 RESIDENTIAL MULTIFAMILY TO CONDITIONAL DISTRICT – RM-26 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: CONDOMINIUMS DESIGNED FOR SALE. 2) MAXIMUM NUMBER OF CONDOMINIUMS SHALL BE 72. 3) ALL BUILDINGS SHALL BE CONSTRUCTED SUBSTANTIALLY OF BRICK BUILDING MATERIALS. 4) MAXIMUM HEIGHT OF CONDOMINIUMS SHALL BE THREE STORIES. 5) ACCESS SHALL BE LIMITED TO ONE CURB CUT ON NORTH CHURCH STREET AND ONE CURB CUT ON BERRYMAN STREET - FOR A PORTION OF THE PROPERTY LOCATED AT THE NORTHWEST QUADRANT OF NORTH CHURCH STREET AND BERRYMAN STREET – FOR S R E PROPERTIES, LLC. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Marc Isaacson, Esq., 101 West Friendly Avenue, handed up materials for the Commission's consideration. He then went through the materials that he had handed to the Commission. There would only be one access or curb cut on North Church Street and one curb cut or access on Berryman. The southwest corner of the property is impacted by power lines at which point the property drops off significantly. These cause a reduction in the developable area of this property. Church Street is to be widened in this area, which will encourage other development in the area.

Speaking in opposition to the request was Ron Hefner, 3512 North Church Street. He owns the property directly across the street from the subject property. He said these developers had contacted no one in the neighborhood about what they were planning. He was not opposed to the townhouses, but on December 20 they were going to Council to change the 2025 plan, so it seems they are putting the cart before the horse.

Chair Wolf told Mr. Hefner that City Council would hear the Plan Amendment on December 20, 2005.

Chair Wolf closed the public hearing.

Mr. Hails said, as noted, there is a Comp Plan Amendment in process accompanying this. The GFLUM currently shows moderate residential. The request is for high residential. This also falls within an activity center on Pisgah Church Road, which explicitly calls for in the Plan higher densities and mixed uses in the years to come. Therefore, staff feels the request is consistent. There are other Comp Plan policies that support this. Staff overall recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny. The Commission voted 6-1 in favor of the motion. (Ayes: Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: Wolf.)

K. AN ORDINANCE REZONING FROM RS-7 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-18 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) THE USE SHALL BE LIMITED TO MULTIFAMILY DWELLINGS. 2) THE HEIGHT OF THE BUILDINGS SHALL BE LIMITED TO TWO STORIES. 3) THE EXTERIOR LIGHTING SHALL BE SHIELDED SUCH THAT IT DOES NOT GENERATE GLARE OR OTHERWISE ALLOW THE LIGHT TO BE DIRECTLY VIEWED FROM OFF THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTH SIDE OF FREEMAN MILL ROAD BETWEEN WILLOMORE STREET AND GLENWOOD AVENUE – FOR JERRY L. TUCKER AND MERLE STACK. (FAVORABLE RECOMMENDATION)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Michael Fox, Esq., 228 West Market Street, said he represents the applicant, as well as the developer of this property, Eddie Green, who was also present. He presented a site plan for illustrative purposes. The only entrance is to be on Freeman Mill Road. There are topographical challenges for this property. They wish to add three new conditions for this request:

4) That the maximum number of apartment units shall be 56. 5) Along the western boundary of the property (the Willomore Street side) the planting rate shall be four canopy trees per 100 linear feet, six understory trees per 100 linear feet and 34 shrubs per 100 linear feet. 6) Security fencing shall be installed along the northern boundary of the property.

Mr. Schneider moved that the Commission accept Conditions 4 through 6 for this application, seconded by Mr. Gilmer. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

Mr. Fox briefly discussed this area and the changes that have occurred. The Gateridge neighborhood is to the south and east of Freeman Mill Road and the Glenwood neighborhood is to the west and north of Freeman Mill Road there. So this property sits on the dividing line of both these neighborhoods. There is a mix of owner-occupied and rental homes in this area. The only access will be Freeman Mill Road so they will not be putting traffic on other streets in the neighborhood. They feel this is a nice infill project for this area. They had met with the Planning Department on this project. Staff was concerned about the density and the potential impact on the single family residences nearby. Some of the conditions address those concerns. The maximum 56 dwelling units effectively limits the density to 12.26 units per acre, which is very close to an RM-12 as opposed to an RM-18. The single-family residences that back up to this project will be buffered by double the plantings required. They have met with residents of both the neighborhoods adjoining this property and tried to address some of their concerns with the conditions added. He then presented a brief power point presentation.

Lawrence Thompson, 1629 Willomore Street, opposed the request. He presented a petition signed by neighbors in opposition to this request. Crime had increased in the area and he attributed this to the increasing number of rental units. He would prefer to see the property developed as owner-occupied dwelling units. He had his neighbors who were present and opposed this request to stand.

Johnny Edwards, 1641 Willomore Street, also opposed this request. He too was concerned about the increased crime, noise and traffic in their community. He felt these apartments would be incompatible with the single family homes already in the neighborhood.

Mitsy Griffin, 914 Glenwood Avenue, was opposed to the request. She was president of the Greater Glenwood Neighborhood Association and she is representing them today. They request that this property remain zoned for single family units and as it is classified on the 2025 Comp Plan. City Council has already approved an additional 36 rental units on Aycokk Street.

Linn Parrish, 400-C Fisher Park Circle, opposed this request. He was opposed to more rental property in the Glenwood area. He was not a property owner in Glenwood, but as a concerned citizen and former resident of Glenwood, he was so concerned that he created the Glenwood Neighborhood History Project in January of this year. There are a high number of people who now live outside the Glenwood neighborhood who are concerned about the high number of rental housing that is there.

In rebuttal for the applicant, Mr. Fox said they certainly understand from having met with the neighbors on more than one occasion that they have concerns. Change almost always brings concerns. They feel this project will be a nice compliment to this neighborhood. They feel the conditions placed on this project will minimize the impact of this project on the surrounding neighborhoods. The access to Freeman Mill will be a right in, right out access because of the median there.

In rebuttal for the opposition, Lawrence Thompson said this was a wooded area and the only thing that will be seen is the first unit. Since that is a private driveway, the police will not patrol down there. Most of the neighbors are concerned that this is going to be additional trouble, additional crime, the heavy buffering will be a convenient hiding place for anyone wanting to go on Willomore Street and break into homes. These rental apartments will not help the stability of this neighborhood

Also in rebuttal for the opposition, Johnny Edwards said they have no assurance that the owner of these rental units will be local. When landlords live in California, then the properties are not kept up and are run down. This project will be in the heart of their community and they feel it will only harm their community.

Chair Wolf closed the public hearing.

Mr. Hails said this was a tough call case. We have an unused potential infill lot, low lying along a creek and yet on a tract that is very close to both low and moderate density single family homes in an established neighborhood. The GFLUM calls for low residential use in this area. There is a Comp Plan Amendment to high residential that will allow density above 12 units per acre, which is now what is proposed by the request. Other Comp Plan policies related to this are, on the one hand, protection of neighborhoods, which you have been hearing about. On the other hand, finding opportunities for reinvestment and infill in the areas and looking for mixed income and diverse housing as well. Staff looked at the different types of buffering that will be in place. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny.

Mr. Gilmer said originally he was inclined to oppose this request because it seemed to go down through a neighborhood. But given the conditions put on the project, the right in, right out access, and if it could have been developed as single family homes and would have made sense financially, he thought it would have been so developed. After listening to the evidence and facts, he will support the request.

In response to a question from Mr. Schneider, Mr. Hails said the suggestion of the security fence came from the applicant's discussion with the neighborhood. Staff was focusing on visually obscuring the impact of the higher density on the lower density homes.

Ms. Miller said several residents had been there for years and they know about what they want in their back yards. They know what kind of crime rate is going on. They know what is feasible for them; they have to live there. Freeman Mill and Glenwood are fragile areas so she thought it was important for the stability of that area to conform to what is there. She was glad to see the neighborhood was not closed to change because change is going to come. She thought a quality developer would be willing to take into consideration some things. She felt she could not support it the way this was outlined right now.

Mr. Matheny said in his thoughts one of the most important things about changing a neighborhood or a neighborhood changing is a neighborhood that cares. He appreciated that and did not take it lightly. He was going to support this effort based on the plan that they have presented, much like other members of the Commission apparently. The best thing about the neighborhood was the people and he

encouraged them to continue to show what you are thinking, how you are thinking and coming in front

of this Commission or City Council. He would be supporting this.

Chair Wolf called the question. The Commission voted 5-2 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Spangler. Nays: Miller, Schneider.)

L. AN ORDINANCE REZONING FROM RS-40 RESIDENTIAL SINGLE FAMILY TO CONDITIONAL DISTRICT – RM-5 RESIDENTIAL MULTIFAMILY WITH THE FOLLOWING CONDITIONS: 1) USES: TOWNHOMES OR CONDOMINIUMS DESIGNED FOR SALE. 2) THERE WILL BE A MAXIMUM OF SEVENTY-FIVE (75) RESIDENTIAL UNITS DEVELOPED ON THE PROPERTY. - FOR A PORTION OF THE PROPERTY LOCATED NORTHWEST OF COUNTY WOODS LANE AT THE TERMINUS OF SPRING OAK DRIVE – FOR THE CITY OF GREENSBORO. (WITHDRAWN)

This item was withdrawn at the beginning of the meeting.

M. AN ORDINANCE REZONING FROM HEAVY INDUSTRIAL TO LIGHT INDUSTRIAL – FOR A PORTION OF THE PROPERTY LOCATED ON THE NORTHWEST SIDE OF YANCEYVILLE STREET OPPOSITE THE INTERSECTION WITH CYPRESS STREET, MAPLE STREET AND TEXTILE DRIVE FOR WAYNE MCDONALD. (APPROVED)

Mr. Ruska presented a map showing the subject property, as well as surrounding properties. He also presented slides of the subject property and noted issues in the staff report.

Chair Wolf opened the public hearing.

Monte Moreschi, 6909 International Drive, said he was the engineer for Mr. McDonald. He was here to answer any questions of the Commission. Mr. McDonald's original intent was to turn the entire facility into office condos. Cone Mills currently uses one of the outbuildings as a warehouse facility and there is a sports retailer that would now like to use a large portion of the existing building to warehouse their goods. Therefore, instead of being able to go to a lower zoning, LI lets him not only do the office condos, but it can still support the two tenants that are interested in leasing warehouse space.

Mr. Ruska said the present use supports all types of warehousing. LI would allow a greater array of office uses than HI would.

Chair Wolf closed the public hearing.

Mr. Hails said the GFLUM calls for industrial corporate park in this area. Both the existing HI and LI zoning conform to that. Likewise, the reinvestment and economic development goals in the Comp Plan are met with both of the zones. The context is clearly LI and more compatible with the predominant nearby single family zoning to the south and east and the light industrial surrounding north, south and west. As Mr. Ruska mentioned, there are only two small HI tracts remaining, if this were to be rezoned, and it is certainly continuing the trend of trying to find more compatible and more modern uses of these sites of the current age. Staff recommends approval of the request.

Mr. Gilmer moved the ordinance, seconded by Mr. Matheny. The Commission voted 7-0 in favor of the motion. (Ayes: Wolf, Collins, Gilmer, Matheny, Miller, Schneider, Spangler. Nays: None.)

ITEMS FROM THE PLANNING DEPARTMENT:

Mr. Hails said he wanted to let the Commission know that they hope the Commission will be back at full strength in December. Mr. Kevin White has been appointed by the Council to fill Mr. Kauber's spot and they will be doing orientation with Mr. White within the next week or two. They hope to have him at the December meeting.

Mr. Hails said he wanted to draw the Commissioners' attention to something about which they will be talking more in the next two months. There is a new State Law passed in the General Assembly requiring that both planning agencies and City Councils adopt a statement of relationship between their motion and the Comp Plan in force. In practical terms, they think the way this will be implemented is staff will put something in the staff report with their recommendation that is in a format that seems to be in keeping with what the State Law is asking for. So the bottom line is they are going to have to ask the Commissioners to make a bit more convoluted recommendation on your cases come January 1st. That will be when the new law takes effect. Staff will try and give you more briefing on it in December so you will feel more comfortable with it when we get to January. It is a little bit of a new beast and they are all scrambling to try and get up to speed on it. They have been informed by the Institute of Government in Chapel Hill that this is pretty serious and we need to make sure that we are adhering to the new State Law by January 1st.

Mr. Hails said staff would put something in the report to the Commissioners in a format if you want to support what is in there. And likewise, if you want to go the other direction, you can tinker with the wording. The new law says that a recommendation or a final action on a rezoning must be accompanied by a statement of how the recommendation or action relates to the adopted Comp Plan, if you have one.

A discussion was had on several scenarios for the information needed in order to make the type motion that will be required.

ITEMS FROM THE ZONING COMMISSION MEMBERS:

Mr. Gilmer wished everybody a Happy Thanksgiving.

ACKNOWLEDGMENT OF ABSENCES:

Chair Wolf acknowledged the absence of Ms. Shipman.

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There being no further business before the Commission, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

Richard W. Hails, AICP
Planning Director

RWH/ts.ps.